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REAL ESTATE IN CZECH AND POLISH LAW

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INTRODUCTION

We are presenting the fourth issue of “Białostockie Studia Prawnicze”. This publication has been created in cooperation with scientists employed at the Law Faculty of the T.G. Masaryk University in Brno and is devoted to the issues connected with real estate.

The subject matter of real estate possession – purchase, sale and limitation with restricted rights in rem, etc. – is not an exclusive domain of civil law (even though it seems to occupy the greatest part of this law) but appears in other branches of law starting from constitutional and administrative law and finishing with criminal law. Such extensiveness of the subject matter forced the adoption of a special structure of this study that is divided into private law (mainly civil law) and public law (administrative and financial).

A limited framework of this study has not allowed to present the subject matter comprehensively. The main purpose of the Authors was to explain basic institutes of private and public law that govern a widely understood concept of real estate possession against a comparative background. The study includes problem texts too, however, their aim is to signal a multitude and variety of debatable issues connected with the subject matter.

Each part of the study has been an attempt to compare the institutes of Czech law with their Polish equivalents. A conclusion that has been drawn from this comparison is that there are no essential differences between the legal systems of both countries. On the other hand, however, both in Poland and the Czech Republic some solutions may be suggested for the other party as models to be used in the process of improving some regulations concerning real estate.

Grzegorz Liszewski

Michał Radvan

